

REMARKS

This is in response to the Office Action mailed on July 15, 2004, and the references cited therewith.

Claims 1, 9, 12, 14, 16, 24, 27, 29, and 34 are amended herein. Claims 1-34 remain pending in this application.

§103 Rejection of the Claims

Claims 11 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Vanderlinde et al. (U.S. Publication No. 2002/0082509) in view of Peterson (U.S. Patent No. 5,447,519). Claims 11 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Stahmann et al. (U.S. Patent No. 6,480,742) in view of Peterson (U.S. Patent No. 5,447,519). Claims 11 and 26 were rejected under 35 USC § 103(a) as being unpatentable over Kramer et al. (U.S. Publication No. 2003/0060851) in view of Peterson (U.S. Patent No. 5,447,519). In view of the common ownership of the present application and the Vanderlinde et al., Stahmann et al., and Kramer et al. references as set forth below, applicant asserts that those references are not prior art to the present application for purposes of 35 U.S.C. 103. Reconsideration and withdrawal of the rejections based upon 35 U.S.C. 103 is therefore respectfully requested.

Statement of Common Ownership

Applicant declares that, at the time the present invention was made, the present application and Vanderlinde et al. (U.S. Publication No. 2002/0082509) were owned by the same entity. Applicant also declares that, at the time the present invention was made, the present application and Stahmann et al. (U.S. Patent No. 6,480,742) were owned by the same entity. Applicant also declares that, at the time the present invention was made, the present application and Kramer et al. (U.S. Publication No. 2003/0060851) were owned by the same entity. Since those patents or patent applications could only otherwise qualify as prior art to the present application under 35 U.S.C. 102(e), they are disqualified as prior art for purposes of section 103(a) under 35 U.S.C. 103(c).

§102 Rejection of the Claims

Claims 1-3 and 16-18 were rejected under 35 USC § 102(e) as being anticipated by Vanderlinde et al. (U.S. Publication No. 2002/0082509). Claims 1, 13-14, 16 and 28-29 were rejected under 35 USC § 102(e) as being anticipated by Stahmann et al. (U.S. Patent No. 6,480,742). Claims 1, 15-16 and 30-32 were rejected under 35 USC § 102(e) as being anticipated by Kramer et al. (U.S. Publication No. 2003/0060851). Claims 1 and 16 have been amended herein to recite a device and method, respectively, in which data received from one or more selected sensing channels is stored in a memory upon detection of a triggering condition indicating a decrease in pacing frequency over a specified period of time. Applicant does not find a teaching for this recitation in the cited references. The remaining claims rejected on this ground depend from either claim 1 or 16 and hence also incorporate the amended recitation. Applicant thus believes the section 102 rejections have been overcome.

Allowable Subject Matter

Claims 4-10, 12, 19-25, 27 and 33-34 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that the amendments contained herein have rendered all of the pending claims allowable over the prior art of record.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

JEFFREY E. STAHMANN ET AL.

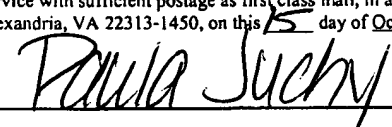
By their Representatives,

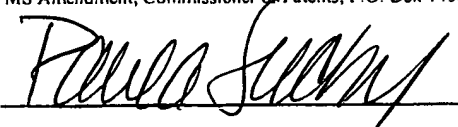
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of October, 2004.


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